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Audrey A. Boyd

Audrey Boyd February 4, 2005
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Attorney Docket No.: P32672C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Craig, et al. February 4, 2005
Appln. No.: 10/849,603 Group Art Unit: 1625
Filed: May 18, 2004 Examiner: P. L. Morris
For: SODIUM SALTS OF 5-[4-[2-(N-METHYL-N-(2-PYRIDYL)AMINO)ETHOXY]BENZYL]THIAZOLIDINE-2,4-DIONE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
AND REQUEST FOR REJOINDER**

Sir:

This paper is in response to the Restriction Requirement mailed January 28, 2005, having a shortened statutory period for reply of 1 month. Claims 1-12 are pending in the application; claim 1 is the sole independent claim. Claims 1-12 are subject to a restriction requirement and/or election requirement.

Restriction to one of the following inventions has been required under 35 U.S.C. 121:

- Group I. Claims 1-9, drawn to compounds, classified in class 546, subclass 276.7.
- Group II. Claim 11, drawn to multiple uses, classified in class 514, various subclasses.

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Group III. Claims 10 and 12, drawn to compositions and uses containing an unknown additional active ingredient, classified in class 514, various subclasses.

In response to the restriction requirement, Applicants elect Group I, claims 1-9, for prosecution in the subject application, with traverse.

Applicants respectfully submit that it is not an undue burden on the Examiner to conduct a search for the claimed Sodium Salt of this invention, uses of the Sodium Salt, mixtures containing the Sodium Salt and uses of the mixtures containing the Sodium Salt. All of this information can be obtained from a single search and reviewed at a single time to expedite examination of the entire scope of the claimed subject matter. Withdrawal of this restriction requirement is respectfully requested.

Applicants have elected to prosecute claims directed to a compound and compositions containing the same. Pursuant to M.P.E.P. §821.04, Applicants request that the claims directed to method of use (Group II, claim 11) and compositions and methods of use (Group III, claims 10 and 12), which now depend from and thereby include all of the limitations of the base composition/product claims, be rejoined in this application when the compound and composition claims 1-9 are subsequently found allowable.

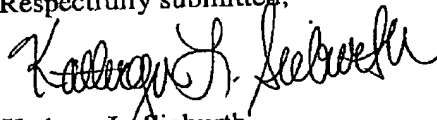
The Examiner has requested that in the event of election of Group I, Applicants are to elect a single disclosed method of use, i.e., a specific disease. Applicants respectfully submit that there are no method of use limitations present in any of the claims of Group I. Applicants respectfully submit that the patentability of these claims resides in the novelty of the compound/composition defined therein and is not limited by any particular use of the compound/composition. However, because Applicants have requested rejoinder of the claims of Groups II and III, which do include method of use limitations, Applicants elect treatment of diabetes mellitus as the specific disease.

The Examiner has also requested that in the event of election of Group III, Applicants are to elect a single disclosed mixture. As discussed above, because Applicants believe that information relating to any mixtures containing the Sodium Salt and uses of the mixtures containing the Sodium Salt should be obtainable from a single search, Applicants should not be restricted to prosecution of a single mixture containing the Sodium Salt of this invention. To expedite prosecution, Applicants elect biguanides and sulphonylureas as the one or more anti-diabetic agents that maybe combined with the Sodium Salt of this invention.

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Authorization is hereby granted to charge any fees which may be required by this paper to Deposit Account No. 19-2570.

Respectfully submitted,



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